

# EXHIBIT F



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Birmingham District Office**

Ridge Park Place  
1130 22<sup>nd</sup> Street, South, Suite 2000  
Birmingham, AL 35205  
(205) 212-2100  
TTY (205) 212-2112  
FAX (205) 212-2105

**December 23, 2005**

**FILE COPY**

**Mary A. Goldthwaite, Attorney  
McPhillips, Shinbaum, LLP  
P. O. Box 64  
Montgomery, Alabama 36101**

**Dear Ms. Goldthwaite:**

As I have stated to you, I would seek additional information concerning the above two referenced charge files with respect to their performance. In this endeavor, it has been ascertained from the documents received from the respondent that with respect to Ms. Guy's performance it is stated (with dollar figures submitted) that she did not meet her 2004 performance goals in any of the four states of Alabama, Georgia, Nevada, or Florida. In a like manner her 2004 actual sales in Georgia and Alabama were under the sales occurred in 2003.

With respect of Ms. Graham, the respondent has submitted information to demonstrate she did not meet or exceed her budgeted dollar amount in the State of Alabama and did not achieve her performance of 2003. In the State of Georgia, she again did not meet her sales goal and underachieved from her 2003 performance.

In using this information in addition to the information you have already received or have knowledge of through our conversations, neither I nor the District Office Legal Unit believe that a violation of the statutes enforced by the Commission can be established. Therefore, enclosed is a Notice of Right to Sue for Ms. Guy and Ms. Graham should you wish to pursue the matter by filing a lawsuit in Federal District Court.

**Sincerely,**

**Donald P. Burris  
Deputy Director**

## DISMISSAL AND NOTICE OF RIGHTS

FILE COPY

To: **SUSAN GUY**  
**974 LEWIS ROAD**  
**DEATSVILLE, AL 36022**

From: **U. S. EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION -  
 BIRMINGHAM DISTRICT OFFICE**  
 Ridge Park Place  
 1130 22<sup>nd</sup> Street South, Suite 2000  
 Birmingham, AL 35205-1130

☐ On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**130-2005-03842****Lula Bell, Investigator****(205) 212-2074**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosure(s)

  
 Bernice Williams-Kimbrough, District Director

  
 (Date Mailed)

cc: **MARY A GOLDTHWAITE**  
**COLONIAL BANK**  
**GREG HILL**